IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 35146 of 2005(H)

PETITIONER:

SOPHY JEEVA, PROPRIETOR,
ANNIES WOODS AND ANNIES TRADERS,
VANDIPERIYAR, IDUKKI DISTRICT.

BY ADV. SRI.P.K.VIJAYAMOHANAN,
ADV. SMT.RESMI G. NAIR.

RESPONDENTS:
----

1. THE FOREST RANGE OFFICER,
FOREST RANGE OFFICER, ERUMELI.

2. THE DIVISIONAL FOREST OFFICER,
DIVISIONAL FOREST OFFICE, KOTTAYAM.

***ADDL.R3. THE CONSERVATOR OF FORESTS,**
HIGH RANGE CIRCLE,
KOTTAYAM.

***IS IMPLEADED AS ADDL.R3. AS PER ORDER DATED 29/05/07**
IN I.A. NO. 6466/07.

BY GOVT. PLEADER SRI. RANJITH THAMPAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.35146/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE LICENSE ISSUED BY THE VANDIPERIYAR GRAMA PANCHAYAT FOR RUNNING THE SAW MILL IN THE LAND IN SURVEY NO. 450/1 OF MANJUMALLAY VILLAGE FOR THE PERIOD FROM 1996-97 TO 2000-2001.

EXT.P.2: COPY OF THE CERTIFICATE ISSUED BY THE R.2. DTD. 03/08/2001.

EXT.P.3: COPY OF THE CERTIFICATE ISSUED BY THE R.2. DTD. 24/08/2001.

EXT.P.4: COPY OF THE LICENSE ISSUED BY THE VANDIPERIYAR GRAMA PANCHAYAT ALLOWING THE PETITIONR TO CONDUCT SAW MILL IN THE LAND IN SURVEY NO. 183/1 A OF PEERMADE VILLAGE FOR THE PERIOD FROM 2000-2001 TO 2004-2005.

EXT.P.5: COPY OF THE LICENSE ISSUED BY THE R.2. DTD. 22/08/2005.

EXT.P.6: COPY OF THE LICENSE ISSUED BASED ON EXHIBIT P.5 TO THE PETITIONER BY THE VANDIPERIYAR GRAMA PANCHAYAT ALLOWING THE PETITIONER TO CONDUCT THE SAW MILL TILL 31/03/2010.

EXT.P.7: COPY OF THE NOTICE DTD. 03/12/2005 ISSUED BY THE R.1. IN THE NAME OF PETITIONER'S HUSBAND.

EXT.P.8: COPY OF THE REPRESENTATION DTD. 08/12/2005 SUBMITTED BY THE PETITIONER BEFORE THE R.1. WITH COPY TO THE R.2.

EXT.P.9: COPY OF THE COMMUNICATION NO. C9-3191/97 DTD. 02/05/1997 ISSUED BY THE R.2. DIVISIONAL FOREST OFFICER TO THE ASSISTANT DISTRICT INDUSTRIES OFFICER, PEERMADE.

EXT.P.10: COPY OF THE ORDER NO. E2/3250/2005 DTD. 23/12/2005 OF THE R.2.

EXT.P.11: COPY OF THE CLARIFICATION ISSUED BY THE CENTRAL EMPOWERED COMMITTEE VIDE COMMUNICATION DTD. 31/08/2005.

EXT.P.12: COPY OF THE COMMUNICATION NO. PRO (2) - 5380/2005 DD. 17/01/2006.

EXT.P.13: COPY OF THE STATUTORY APPEAL PREFERRED BY THE PETITIONER BEFORE THE CONSERVATOR OF FORESTS DATED 09/01/2006.

EXT.P.14: COPY OF THE COMMUNICATION NO. C2-8234/2005 DTD. 16/04/2007 OF THE R.2.

W.P.(C). NO.35146/2005:

RESPONDENT'S ANNEXURES:

ANNEXURE R2.A: COPY OF THE LETTER NO. DB-1/05-06/160 DTD 26/12/2005 OF ASST. EXE. ENGINEER, PEERMADE TO FOREST RANGE OFFICER, ERUMELI.

ANNEXURE R2.B: COPY OF THE INSPECTION REPORT OF SALES TAX OFFICER, PEERMADE DTD. 21/07/2001.

ANNEXURE R2.C: COPY OF THE INTERIM ORDER IN I.A. NO. 566 IN W.P.(C). 202/95 DTD. 29/10/2002.

ANNEXURE R2.D: COPY OF THE PROCEEDINGS ORDER NO. E2.3250/05 DT. 23/12/05 DIVISIONAL FOREST OFFICER, KOTTAYAM.

//TRUE COPY//

prv.

ANTONY DOMINIC,J.

W.P (C) No. 35146 of 2005

Dated this the 27th day of September, 2007

J U D G M E N T

It is submitted by the petitioner that issue relates to a shifting of saw mill and according to him the matter is governed by Exhibit-P12 guidelines and despite this, his application was rejected by Exhibit P10. Seeking a review of the decision, petitioner has also filed Exhibit -P15 before the 2nd respondent wherein a reference has been made to Exhibit -P12 guidelines.

2. In view of the pendency of Exhibit-P15 before the 2nd respondent, I dispose of this writ petition directing the 2nd respondent to consider and pass orders on Exhibit -P15 with notice to the petitioner and giving an opportunity of hearing, as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment before the 2nd respondent, for compliance.

(ANTONY DOMINIC, JUDGE)

ma

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007